

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 17, 2007 and the references cited therewith.

Claims 1-42 are now pending in this application.

'103 Rejection of the Claims

Claims 36, 37, 40 and 42 were rejected under 35 USC 103(a) as being unpatentable over Otsuji (U.S. 2001/0009142 A1) in view of Rowell (U.S. 4,258,659). Applicant traverses the Examiner's rejection for failure to establish a *prima facie* case of obviousness.

The reference of Otsuji teaches away from a plant growth medium. Otsuji's excrement containing composition teaches the inclusion of antimicrobial and or a deodorizer such as p-chlorophenol. Chlorophenols are toxic for a wide range of organisms. Chlorophenols are considered soil contaminants. Bacteria such as nitrogen fixing bacteria are necessary for plant growth. Therefore one wanting to create a growth medium would not look to Otsuji's excrement containment mat that include antimicrobials for this information as it is not desirable to include soil contaminants in a plant growth medium. As Otsuji teaches inhibiting growth, it is antithetical to the purpose of Applicant's composition, "culture medium".

Further, Otsuji has 31 references to the word "plant". Of the 31 there is not a single reference to growing a plant with the medium of Otsuji. Instead plant is used in conjunction with fiber or pulp to describe an ingredient of the urine adsorbent medium of Otsuji. The medium of Otsuji is made from plant pulp which is defined as plant fiber substantially freed of components other than cellulose to have a high cellulose purity.

The Examiner posits "the mat of Otsuji et al. is capable of growing plants; Weder (US 6,071,574) discloses that growing media for plants and cat litter are interchangeable. The Examiner's statement is not supported in Otsuji, Weder is not a reference found in Otsuji. The Examiner is not rejecting claims 36, 37, 40 and 42 over Weder. However, even if Weder were being cited to reject the claims 103(a) there is no teaching that the segments are strips is a growing media for plants. A review of figures 1-20 indicates that the corrugated material wraps the container in which the plants grow or wrap the cut plants for decorative purposes. Specifically figures 3A-3B do not illustrate the material used for growing plants.

Dent is not disclosed in Otsuji. Further there is no teaching in Dent as to the material suitable for use as a cat litter. Further still, there is not suggestion that the same material can be used as a cat litter and a plant growing medium. Therefore one would not be inspired to look in the art of animal litter to find a teaching of a culture medium. More specifically Dent teaches the container is prefilled with either cat litter or plant growth medium.

The Examiner further states that the growth medium of Dent is disclosed as having a particulate base material of organic material, sawdust, jute, a thermoplastic biologically degradable binding agent. A word search of Dent for the word "organic" showed 0 occurrences. A word search of of Dent for the word "sawdust" showed 0 occurrences. A word search of Dent for the word "thermoplastic" showed 0 occurrences. A word search of Dent for the word "binding agent" showed 0 occurrences. Similarly, a the same word search of Rowell yeiled the same results, 0 occurrences of the words searched in Dent. Therefore Dent and Rowell fail to remedy the deficiency found in Otjusi.

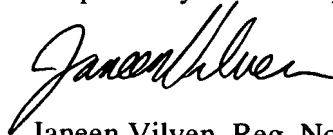
Therefore, Applicant believes that claims 36, 37, 40 and 42 are patent over Otsuji, Dent, Weder or Rowell.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505 998 6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213

Respectfully submitted,



Janeen Vilven, Reg. No. 47,156
Direct line (505) 998-6134

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

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PEACOCK MYERS, P.C.

Attorneys for Applicants

Post Office Box 26927

Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-6134

Facsimile: (505) 243-2542

Customer No.: 005179